

in truth and in fact, each of the said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 1, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$202.

HOWARD M. GORE, *Secretary of Agriculture.*

12453. Adulteration and misbranding of butter. U. S. v. 40 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18837. I. S. No. 15490-v. S. No. E-4911.)

On June 26, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 tubs of butter remaining in the original unbroken packages at Boston, Mass., consigned June 14, 1924, alleging that the article had been shipped by the Miller-Rose Co., La Crosse, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration and misbranding, in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 30, 1924, the Miller-Rose Co., La Crosse, Wis., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12454. Adulteration of Limonada Gaseosa. U. S. v. 6,000 Bottles of Limonada Gaseosa. Default decree entered for Government. Product ordered destroyed. (F. & D. No. 18565. I. S. No. 3547-v. S. No. E-4804.)

On March 25, 1924, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6,000 bottles of Limonada Gaseosa, at Culebras, P. R., alleging that the article was being offered for sale and sold in the Territory of Porto Rico, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Cont. M./M. 285 Mts. Fabrica de sodas Polo Norte Rivero & Co., Tetuan 26 San Juan, P. R. Limonada Gaseosa."

Adulteration of the article was alleged in the libel for the reason that a solution of saccharin had been substituted in part for the said article, and for the further reason that it contained an added poisonous or other deleterious ingredient, to wit, saccharin, which might have rendered it injurious to health.

On June 4, 1924, no claimant having appeared for the property, judgment was entered in favor of the Government, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12455. Adulteration and misbranding of oats. U. S. v. 250 Sacks of Oats. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18787. I. S. No. 18785-v. S. No. E-3934.)

On June 16, 1924, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of oats remaining in the unbroken packages at Athens, Ga., alleging that the article had been shipped by Thistlewood & Co., Cairo, Ill., on or about June 7, 1924, and transported from the State of Illinois into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Crescent * * * Brand Sample Oats Sulfur Bleached 159 1/4 Lbs. Net

"When Packed." (stencil in small illegible type) "Contains Small Percent Screenings."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, wild oats, barley, unthreshed wheat, weed seeds, and stems, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its strength and quality and had been substituted in part for oats.

Misbranding was alleged for the reason that the designation "Sample Oats" was false and misleading and deceived and misled the purchaser into the belief that the article was sample oats, whereas in truth it was not but was a mixture of wild oats, barley, unthreshed wheat, weed seeds, and stems, and for the further reason that it was offered for sale under the distinctive name of another article, to wit, oats.

On July 7, 1924, Thistlewood & Co., Cairo, Ill., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$650, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Mixed Grain Composed of Oats, Barley, Unthreshed Wheat, Weed Seeds, and Stems."

HOWARD M. GORE, *Secretary of Agriculture.*

12456. Misbranding of cottonseed meal. U. S. v. Texas Refining Co., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 17908. I. S. Nos. 11299-v, 11428-v.)

On February 1, 1924, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Texas Refining Co., a corporation, Greenville, Texas, alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about January 26 and January 31, 1923, respectively, from the State of Texas into the State of Colorado, of quantities of cottonseed meal which was misbranded. The article was labeled in part: (Tag) "Prime Quality Manufactured by Texas Refining Company Greenville, Texas Guaranteed Analysis Crude Protein not less than 43.00 Per cent." A portion of the article bore a second tag containing the statement: "Protein not less than 43.00%."

Analysis of a sample from each of the consignments by the Bureau of Chemistry of this department showed that the said samples contained 40.54 per cent and 40.45 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement, "Guaranteed Analysis Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing both consignments of the article, and the statement, to wit, "Guaranteed Analysis Protein not less than 43.00%," borne on a second tag attached to the sacks containing a portion of the said article, were false and misleading in that the said statements represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas, in truth and in fact, it did contain less than 43 per cent of protein, the said consignments containing approximately 40.54 per cent and 40.45 per cent, respectively, of protein.

On May 12, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

HOWARD M. GORE, *Secretary of Agriculture.*

12457. Adulteration and misbranding of butter. U. S. v. Montello, Buffalo & Shields Creamery Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 18353. I. S. No. 4223-v.)

On May 6, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Montello, Buffalo & Shields Creamery Co., a corporation, Montello, Wis., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 4, 1923, from the State of Wisconsin into the State of Illinois, of a quantity of butter which was adulterated and misbranded.

Analysis of 6 samples of the article by the Bureau of Chemistry of this department showed that the average moisture content of the samples of the